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either in equity or at law on the ground that it is not fair that a person should profit from his own misrepresentations. The doctrine of the principal case would seem to be a desirable one.

CONFLICT OF LAWS — JURISDICTION FOR DIVORCE — INDIAN DIVORCE. — A white man married and then abandoned his white wife, the plaintiff, in Illinois. He went to live among the Pottawatomie Tribe of Indians in Indian Territory, by whom he had formerly been adopted. He acquired land there and died. By the tribal law the marriage status of members of the tribe might be terminated at will and abandonment operated as a divorce. The plaintiff, claiming as his widow, sought an interest in his real estate. *Held*, that the Indian divorce is valid. *Cyr v. Walker*, 116 Pac. 931 (Okl.). See NOTES, p. 374.

CONFLICT OF LAWS — RECOGNITION OF FOREIGN JUDGMENTS — EFFECT OF REVERSAL OF JUDGMENT GIVEN EFFECT IN ANOTHER STATE. — A. and B. claimed the right of custody of a child. A decree of an Illinois court awarded the custody to A. Subsequently in *habeas corpus* proceedings brought by B. in Kansas, the court held that the Illinois decree was controlling. Afterwards, the appellate court in Illinois reversed the judgment of the lower court. *Held*, that the judgment of the Illinois appellate court is not admissible, in a prosecution in Kansas for kidnapping, to prove that A. did not have lawful custody of the child. *State v. Tillotson*, 117 Pac. 1030 (Kan.).

The pendency of an appeal from a final judgment does not prevent that judgment from being successfully pleaded as *res judicata*. *Parkhurst v. Berdell*, 110 N. Y. 386, 18 N. E. 123. Does the subsequent reversal of the judgment on appeal affect the rights of the parties? That depends, it is submitted, on the basis of the rights claimed. If, in the principal case, the Kansas court merely dismissed the proceedings before it, the basis of A.'s right was the Illinois decree, and the reversal took away that right. But if, as it was held, the Kansas court made an affirmative decree, the decree established a new right. Subsequent reversal of the Illinois decree could affect this right only as a later determination of the right to custody. The Illinois court was one of competent jurisdiction and its decree entitled to full faith and credit. *Bleakley v. Barclay*, 75 Kan. 462, 89 Pac. 906. However, as the judgment of reversal only purported to declare the right to custody at the time when the suit began, it did not involve a later determination of that right; consequently it was rightly held inadmissible. It might, however, have been ground on which to base a new suit. *Cf. White v. Atchison, etc. Ry. Co.*, 74 Kan. 778, 88 Pac. 54.

CONFLICT OF LAWS — RECOGNITION OF FOREIGN PENAL LAWS — SUIT TO COLLECT A FOREIGN TAX. — The state of Maryland and the city of Baltimore sued the defendant in New York for the amount of taxes assessed against his personality while he was a resident of Baltimore. Maryland courts consider that a tax raises a contractual liability while New York courts do not. *Held*, that the plaintiffs cannot recover. *State of Maryland v. Turner*, 46 N. Y. L. J. 935 (N. Y., Sup. Ct.).

It is an elementary principle that one country will not enforce the penal laws of another country. See 1 WHARTON, CONFLICT OF LAWS, 3 ed., §§ 4, 4 b. This principle probably applies with equal force to revenue laws. See *Wisconsin v. Pelican Ins. Co.*, 127 U. S. 265, 290, 8 Sup. Ct. 1370, 1374. At all events a special assessment for improvements on real property is in the nature of a penalty and is not recoverable abroad. *Municipal Council of Sydney v. Bull*, [1909] 1 K. B. 7. Whether the law which is presented for enforcement is penal or not is a question for the consideration of the court whose aid is invoked. *Huntington v. Aittrill*, [1893] A. C. 150. Even if the obligation has been reduced